

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed \$3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), \$525,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(h) AUTHORITY FOR MULTIVEAR-  
PROCUREMENT OF TWELVE VES-  
SELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multivear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years 1998, 1999, 2000, and 2001 in accordance with this subsection and subsection (a)(4), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

**SEC. 123. EA-6B AIRCRAFT REACTIVE JAMMER PROGRAM.**

(a) LIMITATION.—None of the funds appropriated pursuant to section 102(a)(1) for modifications or upgrades of EA-6B aircraft may be obligated, other than for a reactive jammer program for such aircraft, until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees in writing—

Certification. (1) a certification that some or all of such funds have

been obligated for a reactive jammer program for EA-6B aircraft; and

Reports. (2) a report that sets forth a detailed, well-defined program

for—

(5) developing a reactive jamming capability for EA-6B aircraft; and

(6) upgrading the EA-6B aircraft of the Navy to incorporate the reactive jamming capability.

(b) CONTINGENT TRANSFER OF FUNDS TO AIR FORCE.—(1) If

the Secretary of the Navy has not submitted the certification and

report described in subsection (a) to the congressional defense committees before June 1, 1997, then, on that date, the Secretary of Defense shall transfer to the Air Force, out of appropriations available to the Navy for fiscal year 1997 for procurement of aircraft, the amount equal to the amount appropriated to the Navy for fiscal year 1997 for modifications and upgrades of EA-6B aircraft.

(2) Funds transferred to the Air Force pursuant to paragraph (1) shall be available for maintaining and upgrading the jamming capability of EF-111 aircraft.

**SEC. 124. T-39N TRAINER AIRCRAFT FOR THE NAVY.**

The Secretary of the Navy may, using funds appropriated for fiscal year 1996 for procurement of T-39N trainer aircraft for the Navy that remain available for obligation for such purpose, enter into a contract for the acquisition of T-39N aircraft for naval flight officer training that are suitable for low-level training flights. Such a contract may be entered into only after the Secretary complies with section 137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 212).